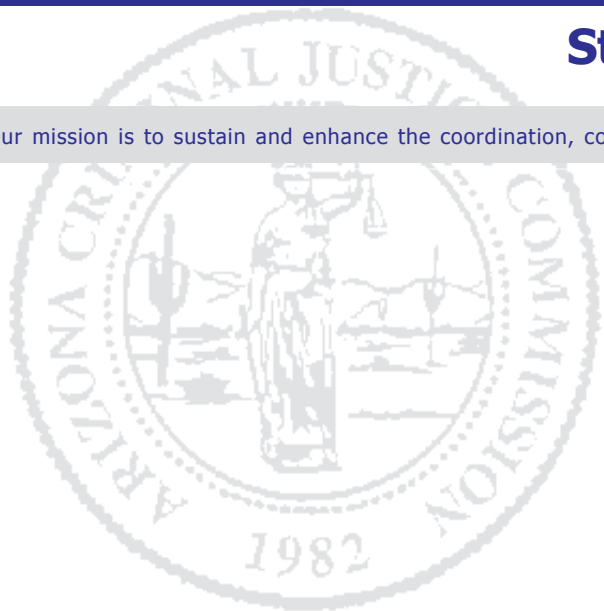


Arizona Criminal Justice Commission

Statistical Analysis Center Publication

Our mission is to sustain and enhance the coordination, cohesiveness, productivity and effectiveness of the Criminal Justice System in Arizona



Fill the Gap 2004 Report

2005

February

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INTRODUCTION

In 1999, Arizona Senate Bill 1013 was passed to provide funding for prosecutors, public defenders, courts and the Attorney General to enhance criminal case processing by creating three new funds within the State Aid Fund allocation. The Fill the Gap bill established a composite formula for the distribution of monies from each fund to each county based on a three-year average of felony case filings in each of Arizona's fifteen Superior Court branches. The long-term goal is to reduce their case processing times, as mandated by the Arizona Supreme Court.

Appropriations for Fill the Gap funds are specifically designated in Arizona Revised Statute §41-2421. Three entities are funded by Fill the Gap: courts (57.37 percent), county attorneys (21.61 percent), indigent defense (20.53 percent), and the department of law for the processing of criminal cases (0.49 percent). Additional funds for Fill the Gap come from a portion of monies collected by the Supreme Court and the Court of Appeals for the payment of filing fees, clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures.

Arizona Revised Statute §41-2409 mandates that the Arizona Criminal Justice Commission (ACJC) is responsible for administering funds to the county attorney and public defender offices in each county, and monitoring their progress toward reducing case processing times. Arizona Revised Statute §12-102.02 mandates that the Arizona Supreme Court administer and report on the court portion of the fund. Both entities are required to create a report each year on the progress made using Fill the Gap funds; however, there are no funds appropriated for the administration, monitoring or reporting on Fill the Gap. While these three funds are all mandated to be used to increase case processing, the two reports and data collection strategies regarding these funds are not coordinated. For this reason, results presented in the two annual Fill the Gap reports are not directly comparable as differing standards and definitions are used by each agency.

To complete this report, ACJC's Statistical Analysis Center (SAC) distributed surveys to county attorney and public defenders offices in all fifteen counties. Representatives completed the questionnaire and returned them to ACJC. These responses reported how Fill the Gap funds were spent and how they improved criminal case processing, future intentions for funding, case processing statistics, and comments on issues that were encountered that year. Follow-up telephone interviews were conducted to obtain clarification or additional information from agencies when necessary. Surveys and interviews were then analyzed to identify common spending priorities, improvements in data gathering and reporting practices, and remaining challenges that still face agencies.

This report will provide an explanation of the Fill the Gap program including state statute authority, the appropriation formulas, and designated responsible parties. The report will present expenditures by organization, plans for future expenditures of the Fill the Gap funds, and suggestions on how to improve the Fill the Gap program. In addition, this report will make specific recommendations regarding the need for a more coordinated effort between administering agencies in developing more structured guidelines for reporting and assessing case processing times in Arizona.

ARIZONA LEGISLATION

The workload for prosecutors, indigent defense and the courts has risen dramatically as a result of increased filings by law enforcement since the late 1990s. Law enforcement and prisons have been the recipients of several funding programs from the federal, state and local level due to an increased focus on reducing crime and increasing public safety. These programs have resulted in more arrests and subsequently more incarcerations for criminals. However, the increased enforcement also put a strain on prosecutors, indigent defense and the courts that were charged with processing these increased cases while funding did not keep up with the increased caseloads. (Fill the Gap: A Unique Effort in Collaboration 2002-2003, AOC) In 1999, the Fill the Gap programs were created to “Fill the Gap” that the additional funding to law enforcement and prisons had created. While limited, these funding streams provided a means for processing these cases in order to efficiently move cases through the court system.

The Arizona Legislature created the State Aid Fund in 1999 to provide funding for prosecutors, indigent defense and courts to enhance criminal case processing in order to bring case processing time in line with standards set by the Arizona Supreme Court. These funds were designed to supplement, rather than supplant, spending by funded agencies. The Arizona Criminal Justice Commission and the Arizona Supreme Court were charged with administering the funds and reporting on the progress of case processing to the legislature each year. Six statutes govern the State Aid Fund (Fill the Gap). (To see these statutes in their entirety, see Appendix C.)

Arizona Revised Statutes §11-539, §11-588, and §12-102.02 each establish Fill the Gap funds, and provide instructions regarding the administration and expenditure of the funds. The State Aid to County Attorneys Fund was established by A.R.S. §11-539, the State Aid to Indigent Defense Fund was established by A.R.S. §11-588, and the State Aid to the Courts Fund was established by A.R.S. §12-102.02. These three statutes are similar in that they mandate that the funds are to be used for the processing of criminal cases and that the funds are to be used to supplement, rather than supplant, funding at the level provided in fiscal year 1997-1998. These statutes mandate that the Arizona

Criminal Justice Commission administer the county attorneys and indigent defense funds and that the Arizona Supreme Court administer the courts fund. Arizona Revised Statutes §12-102.02 also details how the courts are to allocate funds.

Funding for the Fill the Gap funds is mandated by A.R.S. §12-116.01. This statute mandates that a penalty assessment of 47 percent be levied on all fines, penalties, and forfeitures imposed by the courts for both criminal and civil cases, including traffic violations, as well as an additional seven percent fine on some cases. An additional surcharge of five percent on filing fees is also mandated by this law. Five percent of the 47 percent surcharge is allocated by A.R.S. §41-2421 to the Fill the Gap funds using the following formula:

- 21.61 percent to the State Aid to County Attorneys Fund
- 20.53 percent to the State Aid to Indigent Defense Fund
- 57.37 percent to the State Aid to the Courts Fund
- 0.49 percent to the department of law for the processing of criminal cases

The Arizona Criminal Justice Commission administers the portion allocated to the State Aid to the County Attorneys Fund and the State Aid to the Indigent Defense Fund. Of those funds that the Arizona Criminal Justice Commission administers, 51 percent (\$706,527 in 2004) was allocated to the State Aid to County Attorneys Fund and 49 percent (\$670,800 in 2004) was allocated to the State Aid to Indigent Defense Fund. Funds from the seven percent additional assessment that pertain to improving case processing are distributed as follows:

- 15.44 percent to the State Aid to County Attorneys Fund
- 14.66 percent to the State Aid to Indigent Defense Fund
- 40.97 percent to the State Aid to the Courts Fund
- 0.35 percent to the department of law for the processing of criminal cases
- 14.29 percent to the Arizona Supreme Court for allocation to the municipal courts.

These funds are distributed according to formulas set out in the A.R.S. §12-102.02 and §41-2409. Earned interest is deposited into the accounts and is utilized to support projects funded by Fill the Gap funds. ACJC must distribute the fund to county attorneys

and indigent defense by September 1 of each year according to the following formula as directed in A.R.S. §41-2409:

1. Obtain the three-year average of the total felony filings in the county Superior Court Divisions divided by the statewide three-year average of the total felony filings in the Superior Court.
2. Divide the county population as adopted by the Arizona Department of Economic Security by the statewide population adopted by the Arizona Department of Economic Security.
3. The sum of the two figures computed above will equal the composite index and is used as the multiplier against the total funds appropriated from the State General Fund and other monies distributed to the fund.

Arizona Revised Statutes §12-102.02 and §41-2409 require that the Arizona Criminal Justice Commission and the Arizona Supreme Court report on the Fill the Gap funds they administer by January 8th of each year. Both reports provide information on the processing of criminal cases; however the definitions and standards used are not comparable.

STATE AID TO COUNTY ATTORNEYS

In its fifth year of existence, the State Aid to County Attorneys Fund generated a total of \$864,227 of which \$157,700 represented the Arizona General Fund appropriation and the remaining \$706,527 was from fines, fees, surcharges, sanctions and forfeitures collected by the Supreme Court and Court of Appeals. The allocations by county for FY 2004 were as follows:

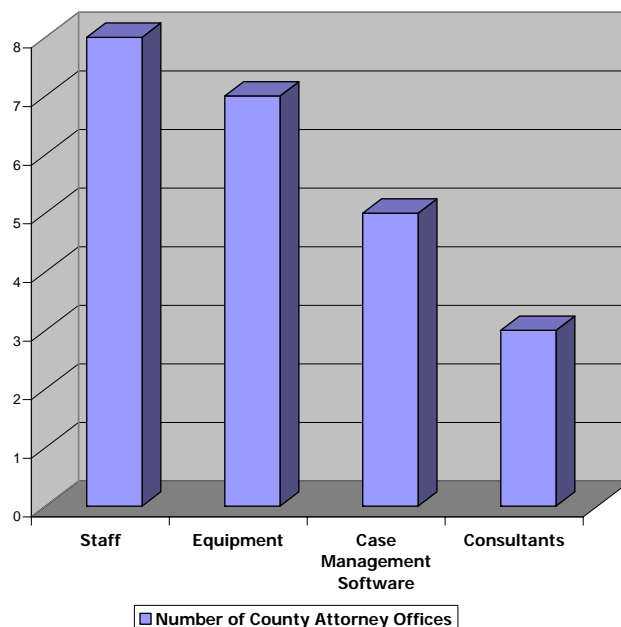
Table One: *Fund Allocations by County*

County Attorney	FY 2004 Appropriation	FY 2004 Fine Revenue	FY 2004 Total Revenue
Apache County	\$6,013	\$6,917	\$12,930
Cochise County	\$13,272	\$13,876	\$27,148
Coconino County	\$14,660	\$15,777	\$30,437
Gila County	\$9,443	\$10,662	\$20,105
Graham County	\$4,934	\$5,497	\$10,431
Greenlee County	\$1,185	\$1,285	\$2,443
La Paz County	\$3,812	\$3,816	\$7,628
Maricopa County	-	\$438,581	\$438,581
Mohave County	\$20,823	\$22,601	\$43,424
Navajo County	\$12,937	\$14,470	\$27,407
Pima County	-	\$99,376	\$99,376
Pinal County	\$22,192	\$22,552	\$44,744
Santa Cruz County	\$4,091	\$4,614	\$8,705
Yavapai County	\$23,823	\$24,255	\$48,078
Yuma County	\$20,515	\$22,248	\$42,763
TOTAL	\$157,700	\$706,527	\$864,227

For FY 2004, Maricopa and Pima Counties were not appropriated Fill the Gap revenues from the general fund as a result of state budget cuts, but both did receive revenues from fines. As part of their annual reporting to ACJC, county attorneys are required to submit a narrative report assessing the impact that Fill the Gap funding has had on

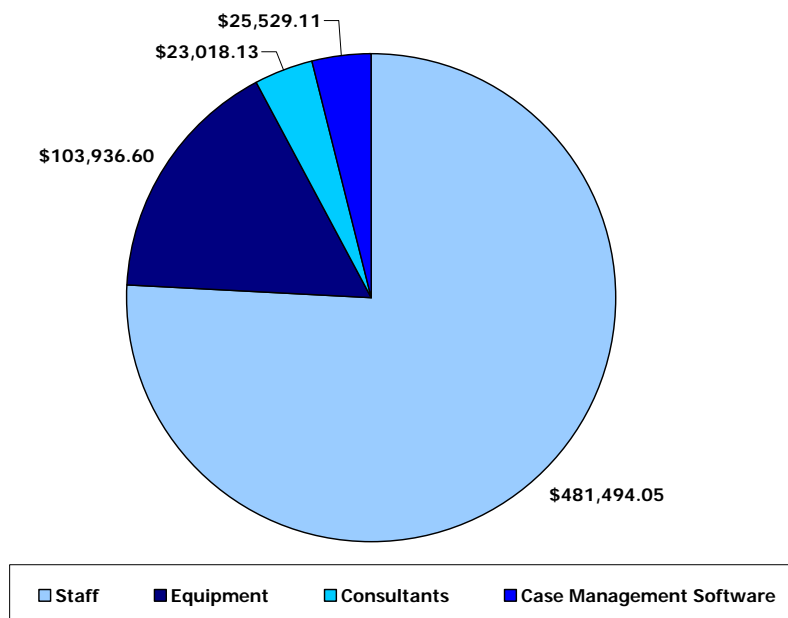
their offices. Overall, Fill the Gap funds were used in three main areas: the addition of staff, the purchase of computer hardware and software, and for contracting outside services. As Chart One demonstrates, almost half of the county attorney offices used Fill the Gap funds to add and maintain staff and to purchase equipment.

Chart One: *How County Attorney Offices used Fill the Gap funds*



Eight of Arizona's fifteen counties used Fill the Gap funds to acquire additional staff. Additional full- and part-time staff included attorneys, legal support specialists, administrative and office support positions, paralegals and investigators. It was noted by many offices that the additional staff were instrumental in managing the increasing number of cases filed. The next most common expenditure was for equipment and case management software. The most frequently purchased equipment was computers, filing/storage units, and office furniture. Agencies related that these items helped them to build their case processing capacity and further support the staff. Case management software was incorporated or upgraded in five agencies in an effort to automate the case processing procedures.

Chart Two: *County Attorney Fill the Gap Expenditures*



Consistent with categorical spending by number of agencies, the proportions of money spent in those categories showed that most of the money was applied toward staff salaries totaling \$481,494.05. The next highest amount was for equipment purchases at \$103,936.60, and then case management software which totaled \$25,529.11. These similarities among spending trends shows the common priorities shared among Arizona's Fill the Gap grantees. (See Appendix B for more detail.)

In the category of equipment, a wide array of purchases were made to elevate case processing capabilities to a more productive level and to support staff in a variety of ways.

The following table provides a list of items purchased during FY 2004.

Computer	Office Equipment	Other
<ul style="list-style-type: none"> • Desktop Computers • Laptops • Printers • Computer Monitors • Computer Hardware • Digital Scanner • Computer Software including Case Management Software • RCA Amplifier and cables • Data Compact Disks 	<ul style="list-style-type: none"> • Copier • Digital Recorder and Batteries • Olympus Digital Camera • Fax Machine • Fax Server • Typewriter • Telex Replica Cassette Copier • Phones • Storage Facilities (Filing Cabinets) • Recorder accessories • NEC Lamp Bulb for Projector • Ink Cartridges 	<ul style="list-style-type: none"> • Emergency lights for vehicle • Furniture • Tape recorder • Camera w/ case • Dual Deck VCR • Car Mount and Cell Phones • New Office Furniture • Cables

In conjunction with stating how each county attorney's office spent Fill the Gap funds, they also provided an explanation of how funds helped to improve criminal case processing in FY 2004. According to each office, Fill the Gap funds for FY 2004 were utilized as follows:

- The Apache County Attorney's Office used Fill the Gap funds to purchase new office equipment including desktop computers with monitors, laptop computers, computer software, and new office furniture. Money was also used to upgrade their case management software, and to purchase conference chairs, a dual deck VCR and a Lucent telephone. These technological upgrades created a more efficient workspace which translated into shorter case processing times.
- The Cochise County Attorney's Office used Fill the Gap monies to add two attorneys and a clerk to their misdemeanor prosecution unit. The unit, now consisting of two full-time prosecutors, two legal secretaries, and a clerk, has

helped the office more efficiently process the increasing felony and misdemeanor caseload.

- The Coconino County Attorney's Office used Fill the Gap monies to fund 25 percent of a full-time attorney position, 33 percent of a part-time legal secretary position, and 68 percent of a part-time records clerk position. They also improved their case management computer system by integrating their data with other local criminal justice agencies.
- The Gila County Attorney's Office used Fill the Gap funds to support the installation and operation of Judicial Dialogue case management software. The office also spent money on installing cabling for computers and training on the utilization of the new software. The office stated that investment in the case management software has made it possible to more accurately and efficiently track criminal offenses handled in the office.
- The Graham County Attorney's Office used funds to contract for services required to maintain their Legal Edge Case Management System. A portion of Fill the Gap funds was also used to purchase hardware to run the new system including desktop computers, monitors, and a laptop computer with modems.
- The Greenlee County Attorney's Office purchased office supplies and storage equipment with Fill the Gap funds. Additional filing and storage equipment helped to organize hard copies of case files, because the office manually manages its case files. The efficient management of cases helps the office to process cases in a timely manner.
- The La Paz County Attorney's Office reported that, due to staffing turnover, Fill the Gap funds were not budgeted or expended. Funds are being saved to promote two legal secretaries to paralegal positions and to hire an additional legal secretary to assist in the handling of the office's caseload.

- The Maricopa County Attorney's Office used the funds to assign support staff to the Pretrial and Charging Bureaus in Phoenix and related Bureaus at their Early Disposition Court (EDC) at the Southeast Facility (SEF) in Mesa. These employees process case charging paperwork to reduce the delay between the decision and the filing of the paperwork. This staff included ten administrative office support staff and two legal support specialists.
- The Mohave County Attorney's Office used Fill the Gap monies to fund 21 percent of the salary of the Program Coordinator of the Kingman Crime Victim Center. In addition, computer equipment was purchased including a new laptop, a digital camera, Quickscribe digital technology equipment and software, and other items used to replace broken or outdated equipment. Fill the Gap funds were also used for travel expenses associated with training staff on the Justware Case Management System in Utah. The case management software and requisite training was implemented to improve case processing capabilities.
- The Navajo County Attorney's Office used funds to purchase facility storage files and hire a subcontractor to install the new equipment. The office indicated that the storage units will allow the office to more efficiently manage their case files and accelerate their case processing times.
- The Pima County Attorney's Office applied monies toward the salaries of three legal assistants, to install a fax server and to purchase a software licensing agreement. The additional staff allowed prosecutors to identify those cases appropriate for trial disposition more quickly and efficiently. Defendants eligible for diversion programs or plea agreements were identified much sooner with the addition of legal assistants who supported case preparation.
- The Pinal County Attorney's Office used the Fill the Gap funds to purchase equipment for the Trial Unit, including computers, a Sharp Imager AR-M550N

digital copier, HP printers and a ScanJet 5550C. Cell phones, a cell phone vehicle installation kit, and emergency lights were purchased for the Criminal and Victim Services Division investigator vehicle. Money was also used toward contracts with Constellation Justice Systems to convert DAMION Case Management from WordPerfect to Microsoft Word and was used to purchase West Group Books. These purchases improved the ability of the Pinal County Attorney's Office to process, investigate, and manage cases during a period of quickly increasing case loads that were not accompanied by increases in local revenues. These tools are essential to the investigative and prosecutorial functions of the office, which continues to maintain a high conviction rate, despite increasing caseloads.

- The Santa Cruz County Attorney's Office used Fill the Gap funds to hire part-time legal assistants. Money was also used to purchase software and contract services for the installation of software that permitted the office to transition to a more automated case processing procedure.
- The Yavapai County Attorney's Office applied their Fill the Gap funds toward the implementation of the Early Disposition Court (EDC) system and to hire additional staff.
- The Yuma County Attorney's Office used Fill the Gap monies for the salaries of an investigator, a paralegal, and a legal secretary. These positions supported the current staff and more broadly distributed the workloads to accelerate case processing times.

Looking to the future, the county attorney's offices reported their plans to continue improving criminal case processing. It should be noted that these plans are contingent upon the availability of new revenue generated through Fill the Gap funds.

- The Apache County Attorney's Office plans to use the funds to upgrade their case management software, the Prosecutor Dialog System, which will feature greater calendaring ability and be able to facilitate adjudication processing times. In

addition, the office will use the funds to add a Judge Pro-Tem during the fourth quarter of 2004.

- The Cochise County Attorney's Office intends to use future Fill the Gap funds toward new clerical and secretarial positions, and fund the expansion of their criminal unit's support staff to address the increasing criminal caseload.
- The Coconino County Attorney's Office stated that it would use future Fill the Gap funds to restore as many attorney positions as possible, and continue the redesign of their case management and data entry systems to obtain better tracking and reporting statistics.
- The Gila County Attorney's Office plans to use future Fill the Gap monies to upgrade their case management system. By entering all cases, including juvenile and misdemeanor offenses into the system, the office hopes to decrease case processing time with the implementation of the improved system.
- The Graham County Attorney's Office will use future Fill the Gap funds to purchase computers, software and supplies necessary to prosecute cases. They also stated that without Fill the Gap funds, the financing of necessary equipment would be difficult.
- The Greenlee County Attorney's Office will purchase filing systems and office equipment to improve their case file organization.
- The La Paz County Attorney's Office reported that they intend to use future Fill the Gap funds to hire additional staff, including a paralegal, to assist in the handling of the criminal caseload.

- The Maricopa County Attorney's Office plans on supporting the staff for the Pretrial and Charging Bureaus in several offices. These positions reduce the delay between the charging decision and the filing of the charging paperwork.
- The Mohave County Attorney's Office intends to use future funds to purchase Adobe Acrobat software and necessary training required use the program. The office plans to begin scanning in their police reports and exhibits and sending these items as disclosure to the defense council. These scanned items will also be attached to the corresponding case in their case management system. In addition, the office plans to use Fill the Gap funds to subscribe to Westlaw, a publication devoted to case law. The funds would also pay for the salary of a recently hired temporary attorney intern to assist the office in research that would be reflected in the next Fill the Gap annual report.
- The Navajo County Attorney's Office plans to use future Fill the Gap funding to either upgrade or replace their current Legal Edge case management software.
- The Pima County Attorney's Office will use future Fill the Gap monies to fund legal assistants that prepare for trial those cases where the defendant has rejected a plea offer. The increased staffing will decrease the backlog normally present in this area.
- The Pinal County Attorney's Office has not yet determined how it intends to use future Fill the Gap funds. It is currently conducting business process reviews to identify areas that most require support.
- The Santa Cruz County Attorney's Office plans to use future Fill the Gap monies to fund necessary software and hardware upgrades.

- The Yavapai County Attorney's Office intends to continue with the implementation of the new Early Disposition Court system which has shown potential in reducing criminal case processing times.
- The Yuma County Attorney's Office plans to use future Fill the Gap funds to hire two additional legal secretaries to reduce current staff workloads in an effort to comply with the standards developed by the Arizona Supreme Court.

STATE AID FOR INDIGENT DEFENSE

The State Aid for Indigent Defense fund generated a total of \$820,900 in its fifth year of implementation, of which \$150,100 was appropriated through the State General Fund and \$670,800 was received through fines, fees and surcharges collected by the Supreme Court and Court of Appeals. The allocations by county for FY 2004 were as follows:

Table Two: *Fund Allocations by County*

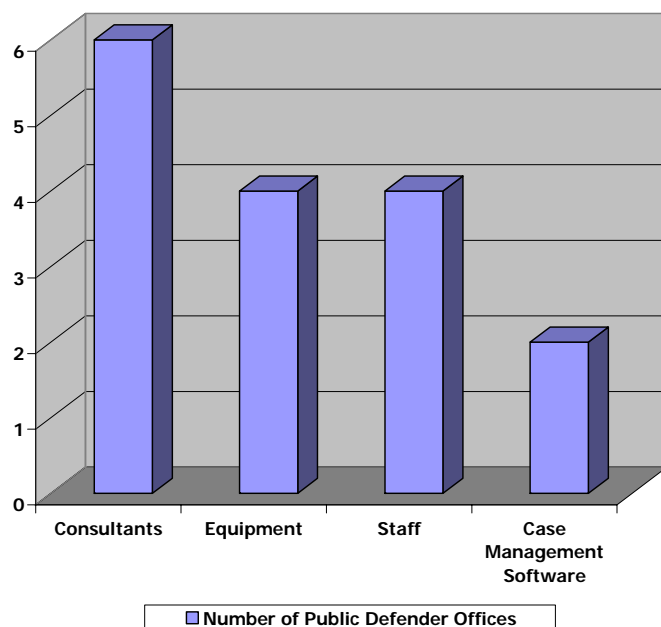
County Agency	FY 2004 Appropriation	FY 2004 Fine Revenue	FY 2004 Total Revenue
Apache Superior Court	\$5,724	\$6,568	\$12,292
Cochise Superior Court	\$12,632	\$13,175	\$25,807
Coconino Superior Court	\$13,955	\$14,979	\$28,934
Gila Superior Court	\$8,988	\$10,123	\$19,111
Graham Superior Court	\$4,696	\$5,219	\$9,915
Greenlee Superior Court	\$1,128	\$1,194	\$2,322
La Paz Superior Court	\$3,628	\$3,623	\$7,251
Maricopa Public Defender	-	\$416,420	\$416,420
Mohave Superior Court	\$19,819	\$21,459	\$41,278
Navajo Superior Court	\$12,313	\$13,739	\$26,052
Pima Public Defender	-	\$94,355	\$94,355
Pinal Indigent Defense	\$21,123	\$21,412	\$42,535
Santa Cruz Superior Court	\$3,893	\$4,381	\$8,274
Yavapai Public Defender	\$22,676	\$23,029	\$45,705
Yuma Public Defender	\$19,525	\$21,124	\$40,649
TOTAL	\$150,100	\$670,800	\$820,900

Once again, due to state budget cuts, Maricopa and Pima Counties were not appropriated FY 2004 Fill the Gap revenues from the general fund, but each did receive fine revenues. Overall, public defenders/superior courts cited using Fill the Gap funds predominantly toward expenditures relating to Professional/Outside Services and Other

Operating Expenses. Within the Professional/Outside Services category, six agencies applied money toward consulting costs such as temporary attorney services, legal assistants, legal secretaries and consultations, while two offices contracted services for training and software maintenance. The Other Operating Expenses category included such items as travel, office rental, and training.

Four spending categories were common among public defender offices. Chart Three provides an illustration of how the public defenders/superior courts used Fill the Gap funds.

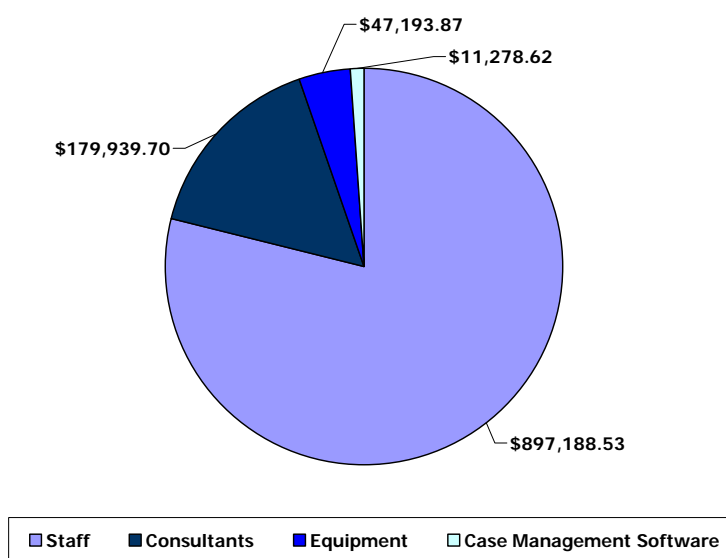
Chart Three: *How Public Defender Offices used Fill the Gap funds*



Six public defender offices used Fill the Gap funds to contract for outside professional services to support existing staff. This included contracts with defense attorneys, technical consultants who provided software training and maintenance, and professional treatment services for newly created DUI/Drug Courts. As well, four public defender offices allocated funds either to purchase equipment or hire personnel. Two agencies purchased or maintained case management software.

Public defender offices also spent their funding similar to the county attorney offices, with the majority of funds going toward personnel. However, most money was directed toward external staff or contracted services instead of hiring full-time employees. (See Appendix C for more detail.)

Chart Four: *Public Defender Fill the Gap Expenditures*



Each Public Defender's Office was asked to provide a description of how Fill the Gap funds helped to improve criminal case processing in FY 2004. According to each office, Fill the Gap funds for FY 2004 were utilized as follows:

- During 2003, Apache County faced a 51 percent increase in criminal felony case filings. To address the increased workload, the Apache County Superior Court used Fill the Gap monies to contract with public defenders to support existing staff and improve the processing of criminal felony cases. A court administration position was created and filled in August 2004 in an attempt to improve the collection of data related to assessing case processing. Statistics reported by Apache County

Indigent Defense demonstrated a decrease in the average number of days required to adjudicate cases at the 90, 99, and 100 percent level.

- The Cochise County Public Defender used Fill the Gap funds to pay for a portion of an indigent defense coordinator's salary. The coordinator is responsible for the assignment of indigent defense cases to the Public Defender, Legal Defender and private attorneys in an efficient and cost-effective way. Fill the Gap funds were also used to pay a portion of the salary and benefits for an investigator for the Legal Defender Department that provides criminal investigative support for defense cases, formulates defense strategy, and investigates cases. Fill the Gap funds were also used to purchase cordless keyboards for staff to use with laptop computers and to purchase the case tracking database, Time Matters[®], and continuous upgrades for the software. An Office Jet 6110 color printer and a computer battery were also purchased with Fill the Gap monies. The services contracted using Fill the Gap monies included a contract with a Time Matters[®] database consultant for upgrading and maintaining use of the case management system. A small portion of Fill the Gap funds were used to finance the travel of staff to the Indigent Defense Coordinator Office to attend the Annual Public Defender Conference in Tempe, Arizona. The conference provided an opportunity for defense attorneys throughout the state to meet and discuss issues common to criminal defense offices and discuss ways to improve criminal case processing.
- The Coconino County Superior Court used Fill the Gap monies toward 16 percent of the DUI/Drug Court Budget which has been operating for over three-and-a-half years. The court reported that the expedited case processing reduced the caseload and recidivism rates in the Coconino Court System. Fill the Gap monies were also used to fund professional treatment services for participants of the DUI/Drug court. Case aging statistics reported by the office indicated improvement in case processing as the average number of days to adjudicate a case dropped since the last Fill the Gap report.

- The Gila County Superior Court did not use Fill the Gap funds in FY 2004. The annual appropriation of Fill the Gap funds were insufficient to contract or hire an attorney, which they continue to save for.
- Graham County Superior Court used Fill the Gap monies to help fund contracted defense counsel expenses. The office reported that the additional defense attorneys represented clients in a timely and appropriate manner, subsequently improving the office's overall case processing timeliness and efficiency.
- The Greenlee County Superior Court used Fill the Gap funds to assist in contracting with local lawyers to provide defense services. These additional staff will reduce the individual caseloads of current public defenders.
- The La Paz County Public Defender's Office used Fill the Gap funds to purchase a computer, a modular work station, and to partially fund the building of a new office. Due to an increase in paperwork generated by growing caseloads, the office purchased a replacement copier/printer that can accommodate a large workload. The office also purchased a new server that is used to network numerous office computers and manage printing and copying tasks efficiently. Funds were also utilized to maintain and upgrade their case management system, Time Matters[®], which was purchased in 2001. This helps in the allocation of cases to the available attorneys, and helps the office be more efficient with the limited resources available. Equipment purchased with Fill the Gap funds includes a video camera with software and a DVD recorder to transfer from video to digital format, all to be used to aid investigations and expedite case processing.
- The Maricopa County Public Defender's Office used Fill the Gap funds to continue to fund the salaries of 12 attorney positions, two secretary positions, and one legal assistant position. Fill the Gap funds also continue to fund the Public Defender Office's continued participation in the Early Disposition Court (EDC), and Regional Court Centers (RCC) in Maricopa County. The Public Defender's office currently has

33 attorneys and nine records staff assigned to the RCC and EDC. The Maricopa County Public Defender's Office showed improvement from FY2003 in case processing time by reporting a drop in the average number of days to adjudicate 90 percent of the cases processed in their office.

- The Mohave County Public Defender's Office used Fill the Gap funds to purchase an HP Laserjet Plotter used in the preparation of trial exhibits and support materials. Approximately 20 percent of the funds were used to hire and train two summer interns under the Federal Work Study Program. The interns assisted with appeals, motions and trial preparation. Funds were also used to pay for polygraph examinations. In addition, funds were used to pay for staff training and the continued acquisition and use of the electronic legal research through Westlaw.
- The Navajo County Public Defender's Office used funds to keep their existing computer technology current to continue processing caseloads in an efficient fashion. Laptop computers and software were purchased to allow for off-site work on casework. The office also upgraded their computer server and purchased computer networking equipment. An all-in-one (printer/fax/copy) machine for printing color evidence photos and a faster copy machine were purchased. The additional equipment enabled the office to more quickly process cases.
- The Pima County Office of Court Appointed Counsel used Fill the Gap funds to purchase equipment to make the staff's workload more manageable through the use of the latest technology. Among the equipment purchased were seven Dell GX270 computers, seven 17" monitors and seven Microsoft Office Pro 2003 operating systems, two Panasonic Toughbooks, 50 notebook computers, carrying cases, battery packs and one HP Laserjet printer. In addition, funds were used to travel to Tacoma, Washington to meet with local officials to examine their criminal justice data warehouse and its positive impact on the processing of criminal cases. These expenditures were valuable in providing the means necessary to reduce the public defender office's case processing times.

- The Pinal County Public Defender's Office used Fill the Gap money to fund a bilingual paralegal position. The position provides a back-up interpreter and speeds the processing of all cases, especially those involving Spanish speaking clients.
- The Santa Cruz County Superior Court did not utilize any Fill the Gap funds during FY04. The office opted to save the money to accumulate sufficient funds to contract for indigent legal services in the future.
- The Yavapai County Office of the Public Defender used Fill the Gap funds to pay for the attendance of defense attorneys at Drug Court Staffing and hearings. A significant number of appearances are required of the defense attorneys as clients progress through the Drug Court. The costs of indigent defense services, including attendance at the new Early Disposition Court (EDC), were also funded with Fill the Gap funds.
- The Yuma County Public Defender's Office used Fill the Gap funds by purchasing computer technology to improve the tracking of all cases to include felonies, violations of probation, misdemeanors, and juveniles. Moreover, funds were used to purchase legal reference material including books and manuals, pay bar dues and fund liability insurance.

Some Arizona public defenders opted to retain Fill the Gap funds for planning/implementation efforts in the next budget cycle. Many county agencies decided to retain and build these funds into their next budget where they will be utilized in accordance with legislation. It should be noted that future plans are contingent upon legislatively appropriated funding for FY 2004.

- The Apache County Superior Court will continue to use Fill the Gap funds to contract public defenders. Contracting the services of defense attorneys helps the office handle its caseload in a more time efficient manner.
- The Cochise County Public Defender plans to use future Fill the Gap funds to continue to pay for a portion of the salaries of the Indigent Defense Coordinator position and the legal defender investigator position. The office plans to use future funds to hire additional paralegals, and to fund the training, consultation services, and the necessary upgrades and maintenance services required by the use of the Time Matters[®] case management system.
- The Coconino County Superior Court plans to continue to use Fill the Gap funds to continue referring defendants with reported alcohol and drug related legal problems to the DUI/Drug Court for treatment and supervision. Fill the Gap monies funded the treatment costs for participants of the DUI/Drug Court and funded the Coconino County Superior Court's contract with The Guidance Center to provide intensive outpatient treatment.
- The Gila County Superior Court has been developing a plan for future use of Fill the Gap Funds since June 30, 2004. Future efforts for improving upon the collection of data related to assessing case processing include plans to hire a caseload manager using other funds in the next fiscal year.
- The Graham County Superior Court plans to use future Fill the Gap funds to hire a full-time court administrator to help with data collection. The additional position will help the office manage its caseload in a timelier manner and increase its capacity to provide statistics related to the processing of cases. The office also plans to continue using future FTG funds to help finance contracts with defense attorneys to help the office keep up with a demanding caseload.

- The Greenlee County Superior Court plans to use future Fill the Gap funds to continue contracting with attorneys who provide indigent defense services to more efficiently manage their growing caseload.
- The La Paz County Public Defender's Office plans to use future Fill the Gap funds to hire a new attorney, furnish the new office they will be moving into, purchase a color laser printer for court exhibits and purchase computer upgrades.
- The Maricopa County Public Defender's Office plans to use future Fill the Gap funds to continue to support the existing staff and support programs designed to speed case processing consistent with constitutional, statutory and ethical obligations to clients. In addition, plans for the development of a case management system are expected to be available in early 2005. Additional functions will include statistical reporting, calendaring, and document generation functionality. Intentions of creating an integrated system in which all indigent representation departments choose to participate is also underway and Fill the Gap funds may be used toward this future endeavor.
- The Mohave County Public Defender's Office plans to use future Fill the Gap funds to purchase a digital document scanner that will be used to transfer paper files into electronic files. Money will also be used to fund the initiation of a video visitation system between attorneys and their in-custody clients, which will make visitation safer and faster.
- The Navajo County Public Defender's Office will use future Fill the Gap funds to purchase an additional copier and scanning equipment. The office plans to move to a different location and will use funds to upgrade their computer network at the new location. In addition, the office would like to use funds to provide their attorneys with access to online legal research services, which can save time with the research involved in the processing of cases.

- The Pima County Public Defender's Office will use future Fill the Gap monies to partially fund the salary of a recently hired database analyst who is building a Pima County Criminal Justice Data Warehouse. The data warehouse will be used to create a uniform felony case counting system to assist in the assignment of defense counsel in felony cases thereby more efficiently managing the office's caseload.
- The Pinal Public Defender's Office plans to use future Fill the Gap funds to maintain their existing paralegal positions. In addition, future funds will be used to hire a bilingual attorney to handle selected cases. The additional staff will free up time for the currently staffed full-time attorneys and will allow the office to handle more cases.
- The Santa Cruz County Superior Court plans to use future Fill the Gap funds to supplement insufficient county funds for indigent legal services when they are needed to help the office handle its caseload in a more time efficient manner.
- The Yavapai County Office of the Public Defender plans to use future Fill the Gap funds to continue the operation of the Early Disposition Court system. The office reports that the new EDC has significantly improved felony case processing as many clients plea during the first week. Funds may also be used for the creation of a diversion program in Yavapai County.
- The Yuma County Public Defender's Office will use future Fill the Gap funds to purchase furnishings and equipment for their new facility.

RECENT SUPREME COURT DECISIONS

Since 2000, the United States Supreme Court has made three significant rulings that effectively changed the way states conduct criminal trials. The cases were *Apprendi v. New Jersey*, *Blakely v. Washington*, and *Ring v. Arizona*. These decisions have had a dramatic impact on case processing in state court systems, including in Arizona. In order to determine the level of influence the cases have had on criminal case processing, a survey to county attorney and public defender offices sought feedback as to the impact the Apprendi, Blakely, and Ring cases had on their case processing.

Most of the Fill the Gap funded organizations indicated that one or more of these decisions have affected their progress toward improving case processing times. Due to variations in populations served, availability of resources, and types of cases handled, the effects and impact of the rulings varied. However, several common themes were reported, including an increase in time and personnel needed to manage cases, changes in plea agreement standards, and additional trial phases. As a result of these rulings, many of those already convicted have initiated appeals, placing an additional strain on the system.

Many of the states have had to amend laws or procedures in order to comply with these rulings. The Blakely and Ring decisions established that juries, not judges, must determine any factor that increases the penalty for a crime, affecting the states that had a sentencing structure where judges decided aggravating and mitigating factors, or whether to impose the death penalty. As with other states, these rulings have resulted in greater costs associated with longer trials and more complicated cases in Arizona. States have responded in various ways, from requiring county attorneys to declare aggravating factors from the onset, to rewriting plea agreements, to completely changing the sentencing structure, depending on the individual circumstances in those states. Arizona is struggling to adapt to the necessary changes, while also trying to decrease case processing times.

Nearly all public defenders offices and county attorney offices reported that their office has been affected by these cases. Agencies reported on the many ways that these ruling have impacted the case load that Fill the Gap funds are granted to improve. Agencies reported that Ring v. Arizona decision has necessitated longer trial times in capital cases. In the past, attorneys on both sides would typically wait until after the initial verdict of guilt was rendered, and if a defendant was found guilty, then the state and defendant's lawyers would begin preparation for the sentencing stage. Now, since the Ring decision, attorneys must consider the factors that will apply to the sentencing stage immediately, so all cases must address these issues, where in the past, only guilty verdicts required attention. Ring v. Arizona also lengthened the time for trial with the requirement that the jury hear all evidence that will apply to the sentencing stage. Similar to Blakely, this requires more time and resources for preparation.

Many of the funded agencies have found that this additional step in the sentencing process requires a greater commitment of resources including more time and manpower for both trial preparation and the trial itself. It also placed an additional burden on juries, as they were now asked to rule on aggravated factors, lengthening the amount of time they must serve, and often increasing the complexity of cases. The additional requirement has impacted both the county attorney and public defender offices. While this extra step applies only to cases where an extended sentence is being sought, the extra resources required may limit prosecutors from filing for aggravated factors when the factors are complicated to understand for someone not well versed in law. For sentences that fall within the presumptive range, this additional step is not required.

In cases where parties strike a plea agreement, consideration must be given regarding the waiving of rights to a jury trial to determine aggravating factors in exchange for the sentence offered by the prosecution. In the past, these rights were not explicitly addressed in plea agreements; however numerous agencies mentioned that all plea agreements must now include such waivers. As a result of this change, some counties reported that several cases were under plea negotiations when the Blakely ruling was

announced and in some instances, either the defendant or the prosecutor withdrew from negotiations to reassess what was in their best interest.

County attorneys' offices noted that another outcome from the Blakely case has also caused additional stress on prosecutorial staff caseload. Many cases had already been decided where the judge independently lengthened a defendant's sentence beyond the statutory maximum. Defendants have started filing motions for reconsideration of their sentences, although the rulings gave no indication of whether they applied retroactively. These additional filings have increased staff workloads, which has a direct effect on case processing. If the Blakely ruling is determined to apply retroactively, the system will have the potential for a large increase in the amount of resources necessary to process the old cases while managing the current cases.

Agencies reported that these three Supreme Court decisions have had a direct impact on the ability of both county attorney and public defender offices in processing felony cases. The earliest results show an increase in trial times as well as a greater demand for the resources necessary to prepare and argue criminal cases. As organizations continue to adapt to these rulings, ACJC will continue to study the reports from county attorney and indigent defense agencies in an effort to identify any shifts or concentrations that may result from new methods of dealing with these additional demands.

CASE AGING DATA

The primary goal of the Fill the Gap funding is to bring case processing in compliance with time standards developed by the National Center for State Courts and the American Bar Association. The National Center for State Courts' standard 2.1 holds that misdemeanor cases should be disposed within 90 days and that felony cases should be resolved within 180 days. This is similar to the American Bar Association standards of 90 percent of misdemeanors disposed within 30 days, 100 percent of misdemeanors disposed within 90 days, 90 percent of felonies disposed within 120 days, 98 percent of felonies disposed within 180 days and all felonies disposed within one year. (www.ncsconline.org/D_Research/TCPS/Standards/stan_2.1.htm, January 28, 2005). Rule 8.2 of the Arizona Rules of Criminal Procedure hold that in-custody defendants must be tried by the court within 150 days of arraignment and those released from custody within 180 days of arraignment. For complex cases, Rule 8.2 allows for 270 days from arraignment to case disposition. Expenditure of Fill the Gap funds by each county attorney and public defender's Office are to be related to the reduction of case processing time and to minimize case backlog. Improvement of case processing is a national as well as state issue. Arizona should strive to comply with nationally and state recognized time standards and to improve the capability of the state to report on case processing times in a consistent manner.

County attorneys and public defenders have demonstrated an improvement in their ability to report the case aging statistics requested by the ACJC. Of the 15 county attorney offices, 13 were able to provide ACJC with case aging data requested by ACJC. This is a significant improvement from last year's report when only 6 of the 15 county attorney's offices were able to report case aging statistics. Eleven of the 15 indigent defense offices were able to provide ACJC with case aging data in comparison to ten agencies being able to report statistics last year. The reported statistics and narrative responses also indicate that county attorneys and public defenders are diligently using their limited resources to keep up with an increasing workload brought about by outcomes of the Supreme Court Cases of Ring, Apprendi, and Blakely. Limited funds and heavy workloads, however, are barriers to improvement of case processing

timeliness. Case management software, and related training and consulting services, are necessary for Fill the Gap recipients to be able to quickly calculate case aging statistics for reporting to ACJC and for their own case management. Several counties continue to report difficulty in being able to provide data for this purpose. The Statistical Analysis Center (SAC) at ACJC continues to work with local agencies to simplify collection and analysis of the case aging data.

As noted previously, more agencies were able to provide the Arizona Criminal Justice Commission Statistical Analysis Center staff with case aging data than in prior years. It is also important to note that agencies reported different methods for calculating case aging reports. For this reason, specific data on case aging trends was not included in this report. Rather, the Statistical Analysis Center requested feedback from those agencies that were able to provide case aging data in order to gain a better perspective into how case aging measures were calculated. Specifically, what was used as the opening and closing dates and any types of cases that were excluded from the analysis. The responses are provided in Appendix D.

After reviewing county attorney and public defender's offices' case processing methods, it was evident that a variety of formulas are used to capture case aging statistics. While agencies shared some case processing definitions or characteristics, it was more common to see agencies using unique combinations of these. Among the County Attorney and Public Defender Offices reporting data there is a lack of uniformity in the reporting process that keeps the data from being adequately comparable and prevents the evaluation of trends in case processing time.

The majority of agencies used the "filing date" as the opening date of each case. Other definitions of the opening date included the date of indictment, the date of arraignment and the date each case was entered into their case management system. Nearly all reporting agencies used the "date of sentencing or dismissal" as the closing date of each case. All county attorney and public defender offices included homicide cases in

the reporting process with the exception of the Maricopa and Pima County Attorney offices.

Most county attorney and public defender offices excluded bench warrants with the exception of the Cochise and Mohave County Attorney's offices. More often, agencies opted to exclude entire cases that had been issued a bench warrant, however, some case management systems were able to exclude only the time that the warrant was outstanding. A majority of the offices excluded violation of probation cases from the reporting process. Other types of cases that were reported as being excluded from case aging statistics included appeals, diversion, mental competency, and those cases with "exceptional errors".

Although this was only a preliminary study, it was evident that agencies had varying definitions of opening and closing dates, and whether or not to include felonies, homicides, bench warrants, and violations of probation or other types of cases in case processing measures. The differences in these definitions would remarkably affect the calculation of any case aging statistics that were collected.

SUGGESTIONS FOR IMPROVEMENT

Feedback was requested from grant recipients on suggestions for improving Fill the Gap process or funding structure. Those suggestions are summarized in the following section.

County Attorney

While the county attorneys' offices have reported that there are many ways in which Fill the Gap funding has assisted in improving cases processing, some offices saw room for improvement within the program. These offices provided recommendations to the Arizona Criminal Justice Commission for inclusion in the annual report by the Commission to the Arizona Legislature. Three common issues were presented. The first issue dealt with the amount of funding provided by the Fill the Gap funds. While the funds provided have helped agencies make progress toward the goal of improving case processing, funding for the salaries of additional attorneys, clerical and paralegal support and to implement new technology is needed in order to bring processing times to acceptable levels.

The second issue was that there have been increases in workloads caused by changes in legislation and rules, as well as population increases, that have not been accompanied by adequate funds to cover the additional staffing and resources needed to deal with the increased demands. The third issue involved a request that each Superior Court appoint a judge to resolve the issue of continuances. These continuances are a major contributing factor to case processing delays in some jurisdictions. These issues are specific to the need for increased Fill the Gap funding. This information has been provided to policymakers in order to provide the information needed to effectively direct resources, draft policies that will further efforts to reduce case processing times, and systematically strengthen the criminal court system.

Indigent Defense

Unlike county attorneys' offices where there is a centralized agency for each county, indigent defense is administered differently depending on the county. This leads to

differing needs when it comes to case processing. Entities funded by the State Aid to Indigent Defense were asked what improvements need to be made to the Fill the Gap program in order to make it more effectively meet the needs of those agencies to improve case processing. These recommendations were provide to the Arizona Criminal Justice Commission to be forwarded to the Arizona Legislature. The suggestions varied considerably and demonstrate the wide range of issues that public defenders face.

Some suggestions mirrored those provided by the county attorneys' offices. Indigent defense offices noted the need to increase funding levels to pay for the salaries of additional attorneys, clerical and paralegal support and to implement new technology. As with the county attorneys, indigent defense has also seen an increase in workloads caused by changes in legislation and rules that must be addressed. Another common issue is a desire that each Superior Court be required to appoint a judge to resolve the issue of continuances, which are currently a major contributing factor to case processing delays.

Many of the issues that were brought up by indigent defense agencies affect the entire system. Issues more specific to indigent defense that affect case processing times include a need for improved methods of indigence screening and a desire to encourage prosecutors, courts, jails and the Department of Corrections to consider cost-effective alternatives to incarceration including the implementation of early treatment in DUI cases and diversion programs for the mentally ill. There is a need to expand crime/DNA labs to expedite the processing of evidence and eliminate case backlog due to pending lab reports. Also, there is a need to develop uniform reporting of case processing statistics. Agencies also reported a need for more in-depth analysis of case processing and the need to develop more streamlined procedures for handling cases in the justice and juvenile court.

Further funding to keep up with population increases and increased legislative requirements would allow these agencies to maintain the gains that have been made and improve upon those gains. However, without uniform reporting standards and

definitions, it is not possible to accurately assess improvements. An accurate assessment of Fill the Gap would provide policymakers and funded entities with valuable information when determining funding levels, and allow for modeling successful programs.

RECOMMENDATIONS

While it appears that Fill the Gap funds have provided resources that have improved case processing statewide, data is not available to compare case aging among counties or years because of variances in reporting standards and interpretation of statutes. It is clear, however, that the local agencies are reliant upon Fill the Gap funding in order to keep pace with new challenges that have placed an increased burden upon their current workloads.

At present, the Arizona Criminal Justice Commission and the Arizona Administrative Office of the Courts do not coordinate strategies for managing and reporting on Fill the Gap funds. All funded agencies must have the ability to provide accurate and complete data on case processing.

1. All funded agencies must be capable of providing accurate case aging data in order to allow for analysis of the use of Fill the Gap funds. Agencies that were not able to provide case aging reports should submit a plan to address this issue prior to receiving new funds.
2. The Arizona Criminal Justice Commission and the Supreme Court should coordinate their efforts to manage and report on Fill the Gap expenditures in future funding cycles.
3. A standardized methodology and definitions for reporting case aging information must be developed for Arizona.
4. There are no monies dedicated to conducting the research on effectiveness of Fill the Gap funds. Ongoing funding should be dedicated for this purpose.

CONCLUSION

Fill the Gap funds are intended to bring case processing in compliance with time standards adopted by the Arizona Supreme Court. This standard calls for 90 percent of cases to be disposed within 100 days, and 99 percent of cases to be disposed within 180 days. Fill the Gap fund recipients reported that all funds were used for this purpose in FY 2004. Approximately two-thirds of all appropriations were allocated to hiring personnel in order to reduce workloads. Funds were also used for purchasing equipment and software, primarily case management systems.

Fill the Gap funds provide some of the funds needed in order to bring case processing in compliance with the standards. Many agencies have made progress in decreasing case processing times during the five years that Fill the Gap funds have been available. These funds provide much needed resources for this task. Agencies continue to rely on Fill the Gap funding to maintain improvements already made, and to reduce case process times even further. However, with increased caseloads and recent U.S. Supreme Court rulings, these funds are not sufficient for most agencies to reduce their case processing times to the guidelines set by the Arizona Administrative Office of the Courts.

Agencies spent Fill the Gap funds in FY 2004 according to each agency's individual needs within specified limits. This allows each agency to utilize these funds most effectively by assessing areas that most need improvement in order to reduce case processing times. Eight county attorneys' offices and four public defenders' offices added personnel to address workload issues affecting case processing times. Nine agencies used some of the funds to add, replace or update equipment. Nine agencies used funds to purchase or maintain case management software. Other agencies hired consultants to evaluate case processing practices or to assist with workloads.

Agencies reported that three major U.S. Supreme Court decisions (Ring v. Arizona, Blakely v. Washington, and Apprendi v. New Jersey) have affected case loads, and therefore impacted case processing times. Most agencies reported that the decisions

demanded more resources to address new trial phases, remanded cases, and in some cases new trials or sentencing hearings. As a result of the decisions, longer trials were required as juries now are required to rule on sentencing issues in addition to the initial verdict. Plea bargaining procedures were also modified to accommodate the new rulings. These new procedures affected case processing times as all parties reviewed the revised plea agreements for suitability to individual cases. These court decisions increased the resources that police departments, county attorneys' offices, public defenders' offices and the courts must use for each case.

For FY 2004, there was a large increase in the number of agencies able to provide case aging data. In the past, limited case management software and the lack of an ability to generate reports from current files hindered agencies from reporting this data, which is used for analysis purposes. Thirteen county attorneys' offices and eleven public defenders' offices provided this data, compared to six and ten, respectively, the previous year. Those agencies that were not able to report case aging statistics were asked to describe future plans to overcome this limitation. Their plans include hiring a part-time data entry position to assist in the closing of a case and the implementation of a new database to manage cases. This increased ability to report information will allow for a more complete analysis of the progress agencies are making in future years. A plan of action will be requested during the grant award period for FY 2005 from each of the agencies that were unable to provide case aging data. This plan of action will outline how each agency will move toward providing this data. Resources are needed to enable the remaining agencies to have the capability to provide this information.

While these resources are critical to agencies in order to reduce the strain caused by increased caseloads on case processing times, there are difficulties with having two entities prepare reports on the use of funds. Collaboration between the Administrative Office of the Courts and the Arizona Criminal Justice Commission in creating reporting standards and definitions would allow for funded entities to use Fill the Gap resources more effectively, and would allow for a more complete assessment of progress toward meeting the required time standards. Combining the reporting requirements so that

only one agency produced an annual report would present a more complete picture of how the funds are being used, and would allow for better analysis as to the effectiveness of Fill the Gap. This would allow for successful models to be replicated and would provide funded entities with needed support and guidance.

The Statistical Analysis Center will continue to work with agencies in FY 2005 to build a list of standardized definitions and reporting standards for case aging data. The case agency data provided by the agencies showed that progress is being made toward decreasing case processing time. However, differences in definitions and reporting methods made comparisons between agencies difficult. Standardized definitions for reporting purposes are necessary to assess the impact of the strategies for improving criminal case processing funded by Fill the Gap.

Fiscal year 2004 was a challenging year for all agencies involved in the prosecuting, defending or judging cases. New rulings have stressed limited resources and have required increased time for the processing of criminal cases. Agencies rely on Fill the Gap funds as a resource that allows them to sustain improvements and further reduce case processing time. Even with the current Fill the Gap funds, most agencies do not have the resources to meet the case processing time standards. In order to reduce case processing time to the levels required, agencies need more resources to address these new strains on the system.

Appendix A: Arizona Revised Statutes Authorizing Fill the Gap Funding

11-539. State aid to county attorneys fund

A. The state aid to county attorneys fund is established consisting of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to county attorneys for the processing of criminal cases.

B. The Arizona criminal justice commission shall administer the fund. The commission shall allocate fund monies to each county pursuant to section 41-2409, subsection A.

C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases by county attorneys.

D. Monies in the state aid to county attorneys fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

E. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

11-588. State aid to indigent defense fund

A. The state aid to indigent defense fund is established consisting of monies appropriated to the fund and monies allocated to the fund pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the county public defender, legal defender and contract indigent defense counsel for the processing of criminal cases.

B. The Arizona criminal justice commission shall administer the fund. The commission shall allocate monies in the fund to each county pursuant to section 41-2409, subsection C.

C. All monies distributed or spent from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by counties for the processing of criminal cases by the county public defender, legal defender and contract indigent defense counsel in each county.

D. Monies in the state aid to indigent defense fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

E. On notice from the commission, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

12-102.02. State aid to the courts fund

A. The state aid to the courts fund is established consisting of monies appropriated to the fund and monies allocated pursuant to section 41-2421, subsections B and J. The purpose of the fund is to provide state aid to the superior court, including the clerk of the superior court, and justice courts for the processing of criminal cases.

B. The supreme court shall administer the fund. The supreme court shall allocate monies in the fund to the superior court, including the clerk of the court, and the justice courts in each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.

4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

C. The presiding judge of the superior court in each county, in coordination with the chairman of the county board of supervisors or the chairman's designee, the clerk of the superior court and the presiding justice of the peace of the county shall submit a plan to the supreme court that details how the funds allocated to the county pursuant to this section will be used and how the plan will assist the county in improving criminal case processing. The presiding judge of the superior court, the chairman of the board of supervisors or the chairman's designee, the clerk of the superior court and the presiding justice of the peace shall sign the plan and shall indicate their endorsement of the plan as submitted or shall outline their disagreement with any provisions of the plan. The supreme court may approve the plan or require changes to the plan in order to achieve the goal of improved criminal case processing.

D. By January 8, 2001 and every year thereafter by January 8, the supreme court shall report to the governor, the legislature, the joint legislative budget committee, each county board of supervisors and the Arizona criminal justice commission on the expenditure of the fund monies for the prior fiscal year and on the progress made in achieving the goal of improved criminal case processing. This information may be combined into one report with the information required pursuant to section 12-102.01, subsection D.

E. All monies spent or distributed from the fund shall be used to supplement, not supplant, funding at the level provided in fiscal year 1997-1998 by the counties for the processing of criminal cases in the superior court, including the office of the clerk of the superior court, and justice courts.

F. Monies in the state aid to the courts fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations and monies allocated pursuant to section 41-2421, subsections B and J are subject to legislative appropriation. Any state general fund monies appropriated to the fund may be spent without further legislative appropriation.

G. On notice from the supreme court, the state treasurer shall invest and divest monies in the fund as provided by section 35-313, and monies earned from investment shall be credited to the fund.

12-116.01. Assessments; fund deposits

A. In addition to any other penalty assessment provided by law, a penalty assessment shall be levied in an amount of forty-seven per cent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

B. In addition to any other penalty assessment provided by law, an additional penalty assessment shall be levied in an amount of seven per cent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

C. In addition to any other penalty assessment provided by law, an additional penalty assessment shall be levied in an amount of three per cent on every fine, penalty and forfeiture imposed and collected by the courts for criminal offenses and any civil penalty imposed and collected for a civil traffic violation and fine, penalty or forfeiture for a violation of the motor vehicle statutes, for any local ordinance relating to the stopping, standing or operation of a vehicle or for a violation of the game and fish statutes in title 17.

D. If any deposit of bail or bond or deposit for an alleged civil traffic violation is to be made for a violation, the court shall require a sufficient amount to include the assessment prescribed in this section for forfeited bail, bond or deposit. If bail, bond or deposit is forfeited, the court shall transmit the amount of the assessment pursuant to subsection G of this section. If bail, bond or deposit is returned, the assessment made pursuant to this article shall also be returned.

E. After addition of the penalty assessment, the courts may round the total amount due to the nearest one-quarter dollar.

F. The judge may waive all or part of the civil penalty, fine, forfeiture and penalty assessment, except for mandatory civil penalties and fines, the payment of which would work a hardship on the persons convicted or adjudicated or on their immediate families. If a fine or civil penalty is mandatory, the judge may waive only all or part of the penalty assessments prescribed by subsections A, B and C of this section and section 12-116.02. If a fine or civil penalty is not mandatory and if a portion of the civil penalty, fine, forfeiture and penalty assessment is waived or suspended, the amount assessed must be divided according to the proportion that the civil penalty, fine, bail or bond and the penalty assessment represent of the total amount due.

G. After a determination by the court of the amount due, the court shall transmit, on the last day of each month, the assessments collected pursuant to subsections A, B, C and D of this section and a remittance report of the fines, civil penalties and assessments collected pursuant to subsections A, B, C and D of this section to the county treasurer, except that municipal courts shall transmit the assessments and the remittance report of the fines, civil penalties and assessments to the city treasurer.

H. The appropriate authorities specified in subsection G of this section shall transmit the forty-seven per cent penalty assessment prescribed in subsection A of this section and the remittance report as required in subsection G of this section to the state treasurer on or before the fifteenth day of each month for deposit in the criminal justice enhancement fund established by section 41-2401.

I. The appropriate authorities specified in subsection G of this section shall transmit the seven per cent penalty assessment prescribed in subsection B of this section and the remittance report as required in subsection G of this section to the state treasurer on or before the fifteenth day of each month for allocation pursuant to section 41-2421, subsection J.

J. The appropriate authorities specified in subsection G of this section shall transmit the three per cent penalty assessment prescribed in subsection C of this section and the remittance report as required in subsection G of this section to the state treasurer on or before the fifteenth day of each month for deposit in the Arizona deoxyribonucleic acid identification system fund established by section 41-2419.

K. Partial payments of the amount due shall be transmitted as prescribed in subsections G, H, I and J of this section and shall be divided according to the proportion that the civil penalty, fine, bail or bond and the penalty assessment represent of the total amount due.

41-2409. State aid; administration

A. The Arizona criminal justice commission shall administer the state aid to county attorneys fund established by section 11-539. By September 1 of each year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county, divided by the statewide three year average of the total felony filings in the superior court.
2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.

B. The board of supervisors in each county shall separately account for the monies transmitted pursuant to subsection A of this section and may expend these monies only for the purposes specified in section 11-539. The county treasurer shall invest these monies and interest earned shall be expended only for the purposes specified in section 11-539.

C. The Arizona criminal justice commission shall administer the state aid to indigent defense fund established by section 11-588. By September 1 of each fiscal year, the commission shall distribute monies in the fund to each county according to the following composite index formula:

1. The three year average of the total felony filings in the superior court in the county divided by the statewide three year average of the total felony filings in the superior court.

2. The county population, as adopted by the department of economic security, divided by the statewide population, as adopted by the department of economic security.
 3. The sum of paragraphs 1 and 2 divided by two equals the composite index.
 4. The composite index for each county shall be used as the multiplier against the total funds appropriated from the state general fund and other monies distributed to the fund pursuant to section 41-2421.
- D. The board of supervisors shall separately account for the monies transmitted pursuant to subsection C of this section and may expend these monies only for the purposes specified in section 11-588. The county treasurer shall invest these monies and interest earned shall be expended only for the purposes specified in section 11-588.
- E. By January 8, 2001 and by January 8 each year thereafter, the commission shall report to each county board of supervisors, the governor, the legislature, the joint legislative budget committee, the chief justice of the supreme court and the attorney general on the expenditure of the monies in the state aid to county attorneys fund and the state aid to indigent defense fund for the prior fiscal year and on the progress made in achieving the goal of improved criminal case processing.

41-2421. Enhanced collections; allocation of monies; criminal justice entities

A. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the supreme court and the court of appeals for the payment of filing fees, including clerk fees, diversion fees, fines, penalties, surcharges, sanctions and forfeitures shall be deposited, pursuant to sections 35-146 and 35-147, and allocated pursuant to the formula in subsection B of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection C, or for child support, restitution or exonerated bonds.

B. The monies deposited pursuant to subsection A of this section shall be allocated according to the following formula:

1. 21.61 per cent to the state aid to county attorneys fund established by section 11-539.
2. 20.53 per cent to the state aid to indigent defense fund established by section 11-588.
3. 57.37 per cent to the state aid to the courts fund established by section 12-102.02.
4. 0.49 per cent to the department of law for the processing of criminal cases.

C. Notwithstanding any other law and except as provided in subsection J of this section, five per cent of any monies collected by the superior court, including the clerk of the court and the justice courts in each county for the payment of filing fees, including clerk fees, diversion fees, adult and juvenile probation fees, juvenile monetary assessments, fines, penalties, surcharges, sanctions and forfeitures, shall be transmitted to the county treasurer for allocation pursuant to subsections E, F, G and H of this section. This subsection does not apply to monies collected by the courts pursuant to section 16-954, subsection C or for child support, restitution or exonerated bonds.

D. The supreme court shall adopt guidelines regarding the collection of revenues pursuant to subsections A and C.

E. The county treasurer shall allocate the monies deposited pursuant to subsection C of this section according to the following formula:

1. 21.61 per cent for the purposes specified in section 11-539.
2. 20.53 per cent for the purposes specified in section 11-588.
3. 57.37 per cent to the local courts assistance fund established by section 12-102.03.

4. 0.49 per cent to the state treasurer for transmittal to the department of law for the processing of criminal cases.

F. The board of supervisors in each county shall separately account for all monies received pursuant to subsections C and E of this section and expenditures of these monies may be made only after the requirements of subsections G and H of this section have been met.

G. By December 1 of each year each county board of supervisors shall certify if the total revenues received by the justice courts and the superior court, including the clerk of the superior court, exceed the amount received in fiscal year 1997-1998. If the board so certifies, then the board shall distribute the lesser of either:

1. The total amount deposited pursuant to subsection C of this section.

2. The amount collected and deposited pursuant to subsection C of this section that exceeds the base year collections of fiscal year 1997-1998. These monies shall be distributed according to the formula specified in subsection E of this section. Any monies remaining after this allocation shall be transmitted as otherwise provided by law.

H. If a county board of supervisors determines that the total revenues transmitted by the superior court, including the clerk of the superior court and the justice courts in the county, do not equal the base year collections transmitted in fiscal year 1997-1998 the monies specified in subsection C of this section shall be transmitted by the county treasurer as otherwise provided by law.

I. For the purposes of this section, base year collections shall be those collections specified in subsection C of this section.

J. Monies collected pursuant to section 12-116.01, subsection B shall be allocated as follows:

1. 15.44 per cent to the state aid to county attorneys fund established by section 11-539.

2. 14.66 per cent to the state aid to indigent defense fund established by section 11-588.

3. 40.97 per cent to the state aid to the courts fund established by section 12-102.02.

4. 0.35 per cent to the department of law for the processing of criminal cases.

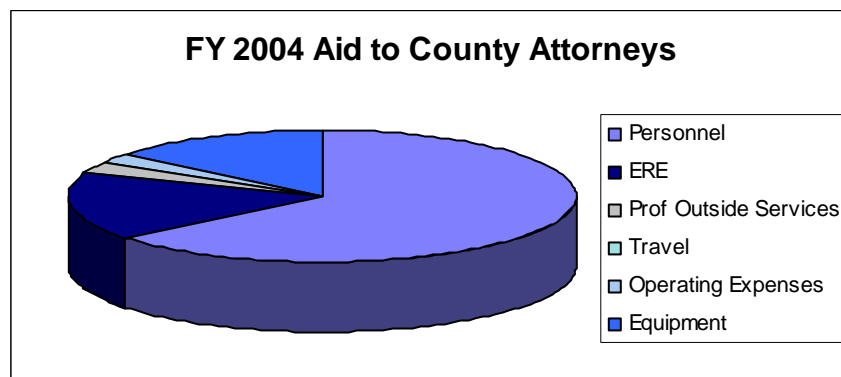
5. 14.29 per cent to the Arizona criminal justice commission for distribution to state, county and municipal law enforcement full service forensic crime laboratories pursuant to rules adopted by the Arizona criminal justice commission.

6. 14.29 per cent to the supreme court for allocation to the municipal courts pursuant to subsection K of this section.

K. The supreme court shall administer and allocate the monies received pursuant to subsection J, paragraph 6 of this section to the municipal courts based on the total amount of penalty assessments transmitted pursuant to section 12-116.01 by that jurisdiction's city treasurer to the state treasurer for the prior fiscal year divided by the total amount of penalty assessments transmitted to the state treasurer pursuant to section 12-116.01 by all city treasurers statewide for the prior fiscal year. The municipal court shall use the monies received to improve, maintain and enhance the ability to collect and manage monies assessed or received by the courts, to improve court automation and to improve case processing or the administration of justice. The municipal court shall submit a plan to the supreme court and the supreme court shall approve the plan before the municipal court begins to spend these allocated monies.

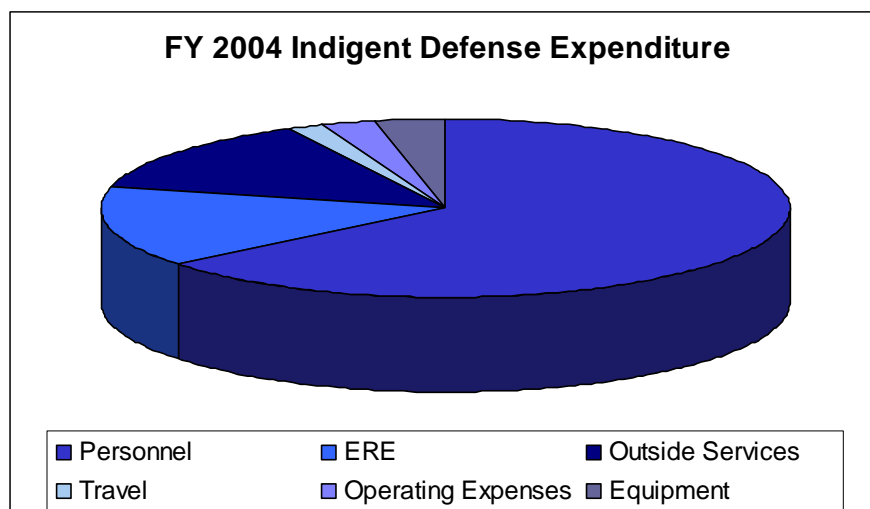
Appendix B: State Aid to County Attorney Expenditures by County

County Attorney	Personnel	Employee-Related Expenses	Professional/ Outside Services	Travel	Operating Expenses	Equipment	Total Expenses
Apache	0.00	0.00	0.00	0.00	0.00	23,139.11	23,139.11
Cochise	12,372.76	2,351.15	0.00	0.00	0.00	0.00	14,723.91
Coconino	24,625.31	6,177.38	0.00	0.00	0.00	0.00	30,802.69
Gila	0.00	0.00	13,265.63	0.00	0.00	20,970.91	34,236.54
Graham	0.00	0.00	0.00	0.00	1,456.00	7,357.00	8,813.00
Greenlee	0.00	0.00	0.00	0.00	2,443.00	0.00	2,443.00
La Paz	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Maricopa	260,835.00	75,497.00	0.00	0.00	0.00	0.00	336,332.00
Mohave	6,927.00	1,551.00	0.00	802.00	7,446.00	8,578.00	25,304.00
Navajo	0.00	5,945.00	647.50	0.00	2,123.24	3,409.24	12,124.98
Pima	92,728.37	21,348.49	0.00	0.00	2,595.51	0.00	116,672.37
Pinal	0.00	0.00	8,000.00	0.00	2,533.57	34,395.59	44,929.16
Santa Cruz	1,333.20	104.52	1,105.00	0.00	0.00	6,086.75	8,629.47
Yavapai	49,787.41	0.00	0.00	0.00	0.00	0.00	49,787.41
Yuma	32,885.00	9,878.00	0.00	0.00	0.00	0.00	42,763.00
TOTAL	\$481,494.05	\$122,852.54	\$23,018.13	\$802.00	\$18,597.32	\$103,936.60	\$750,700.64



Appendix C: State Aid to Indigent Defense Expenditures by County

County Agency	Personnel	Employee-Related Expenses	Professional/ Outside Services	Travel	Other Operating Expenses	Equipment	Total Expenses
Apache	0.00	0.00	12,333.84	0.00	0.00	0.00	12,333.84
Cochise	15,047.00	0.00	2,575.00	191.24	0.00	6,924.10	24,737.34
Coconino	0.00	0.00	29,512.47	0.00	0.00	0.00	29,512.47
Gila	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Graham	0.00	0.00	10,030.00	0.00	0.00	0.00	10,030.00
Greenlee	0.00	0.00	2,331.00	0.00	0.00	0.00	2,331.00
La Paz	0.00	0.00	0.00	0.00	59.23	18,344.39	18,403.62
Maricopa	839,127.03	196,647.00	0.00	296.14	668.31	0.00	1,036,738.48
Mohave	8,722.50	468.00	900.00	22,135.56	19,782.89	5,569.38	57,578.33
Navajo	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Pima	0.00	0.00	86,250.00	264.00	11,679.27	16,356.00	114,549.27
Pinal	34,292.00	9,091.00	0.00	0.00	0.00	0.00	43,383.00
Santa Cruz	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Yavapai	0.00	0.00	46,037.39	0.00	0.00	0.00	46,037.39
Yuma	0.00	0.00	0.00	0.00	2,383.00	0.00	2,383.00
Total	\$897,188.53	\$206,206.00	\$179,939.700	\$22,886.94	\$34,572.70	\$47,193.87	\$1,387,987.74



Appendix D: Case Aging Responses

County Attorney's Office	Open Date	Closing Date	Felony Excluded	Homicide Excluded	Warrants Excluded	Violation of Probation Excluded	Other Excluded	Case Aging Data Submitted
Apache	Filing date	Date of sentencing or dismissal	No	No	Yes	No	Appeals, Diversion and Mental Competency	2004
Cochise	Indictment date	Date of sentencing or dismissal	No	No	No	Yes	Misdemeanor	2001, 2002, 2003, 2004
Coconino	Filing date	Date of sentencing or dismissal	No	No	Yes	Yes	Misdemeanor and juvenile cases	2001, 2002, 2003, 2004
Gila	Indictment date	Date of sentencing or dismissal	No	No	Yes	Yes	Misdemeanor	2002, 2003, 2004
Graham	Date case is entered into case management system	Date of sentencing or dismissal	No	No	Yes	Yes	Appeals, Diversion and Mental Competency	2002, 2003, 2004
Greenlee	Filing date	Date of sentencing or dismissal	No	No	Yes	Yes	Appeals and Rule 32	2001, 2002, 2003, 2004
La Paz	Filing date	Date of sentencing or dismissal	No	No	Yes	Yes	Diversion, and Mental Competency Time	2004
Maricopa	Arraignment date	Date of sentencing or dismissal	No	Yes	Yes	Yes	None	2000, 2001, 2002, 2003, 2004
Mohave	Date case was physically opened	Date case was physically closed	No	No	No	No	Misdemeanor and juvenile cases	2003, 2004
Navajo								2003, 2004
Pima	Initial appearance and/or arraignment date	Date of sentencing or dismissal	No	Yes	Yes	Yes	None	2002, 2003, 2004
Pinal	Filing date	Date of sentencing or dismissal	No	No	Yes	Yes	Misdemeanors	2002, 2003, 2004
Santa Cruz								No submission
Yavapai								No submission
Yuma	Date submitted to office	Date of sentencing or dismissal	No	No	Yes	Yes	Appeals, Post Conviction Relief	2001, 2002, 2003, 2004

Public Defender's Office	Open Date	Closing Date	Felony Excluded	Homicide Excluded	Warrants Excluded	Violation of Probation Excluded	Other Excluded	Case Aging Data Submitted
Apache	Filing date	Date of sentencing or dismissal	No	No	Yes	No	Appeals, Warrants, Diversion, Mental Competency	2000,2001, 2002, 2003, 2004
Cochise	Date of indictment	Date of sentencing or dismissal	No	No	Yes	Yes	Appeals, Warrants, Diversion, Mental Competency	2003, 2004
Coconino	Filing date	Date of sentencing or dismissal	No	No	Yes	Yes	None	2000,2001, 2002, 2003, 2004
Gila	Filing date	Date of sentencing or dismissal	No	No	No	Yes	Cases that had "exception errors"	2000,2001, 2002, 2003, 2004
Graham								2000,2001, 2002, 2003, 2004
Greenlee								No submission
La Paz								No submission
Maricopa	Filing date	Date of sentencing or dismissal	Over 1,000 days	Over 1,000 days	Over 1,000 days	Yes	Misdemeanor and juvenile delinquency	2000,2001, 2002, 2003, 2004
Mohave	Filing date	Date of sentencing or dismissal	No	No	Yes	Yes	Active status of Arrest Warrant, Search Warrant, and Failure to Appear	2003, 2004
Navajo	Date submitted to office	Date of sentencing or dismissal	No	No	No	No	Extraditions and Mental Competency	No submission
Pima	Arraignment date	Date of sentencing or dismissal	No	No	Yes	Yes	None	2001, 2002, 2003, 2004
Pinal	Filing date	Date of sentencing or dismissal	No	No	Yes	Yes	Misdemeanors	No submission
Santa Cruz	Filing date	Date of sentencing or dismissal	No	No	Yes	No	Appeals, Diversion, Mental Competency, Rule 11	2000,2001, 2002, 2003, 2004
Yavapai	Filing date	Date of sentencing or dismissal			Yes	Yes	Appeals	2002, 2003, 2004
Yuma	Filing date	Date of sentencing or dismissal	No	No	Yes	Yes	Appeals, Diversion, Mental Competency	2002, 2003, 2004